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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,044	02/28/2002	Bob Janssen	DVME-1020US	6490

21302	7590	07/03/2006

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EXAMINER
LIM, KRISNA

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 March 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1.   A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/22/06
has been entered. And, claims 1-18 are still pending for examination.

2.   Claims 1-18 are still rejected under 35 U.S.C. 103(a) as being unpatentable over
Fritz [U.S. Patent No. 6,757,679].

3.   Fritz discloses the invention substantially as claimed. Taking claim 1 as an
exemplary claim, the reference discloses a method and a system for receiving n
possible requests sent by p requestors (e.g., see col. 8, lines 1-3, col. 2, lines 48-52) for
simultaneously processing requests and halting the activity when there are more than a
maximum number of requests (e.g., see col. 1 (lines 56-58), col. 2 (lines 24-26), last 3
lines of the abstract). Further, Fritz discloses the feature of maintaining in the multi-user
system (e.g., workstations, LAN, Internet, etc.) as a variable that can be adjusted (e.g.,
a next-element value of a queue-base pointer that can be set to a value and the next-
element pointer with added priority that can be set or adjusted, see col. 3, lines 4-42).

4.   While Fritz discloses more than one requesters (e.g., requesters a and ab) that
can request more than two requests outstanding at a time (e.g., see col. 2, lines 48-52)
and means for receiving n possible requests send by p requesters (e.g., see col. 8, lines
1-3), Fritz does not explicitly mention that his requester is a log-on request from a user
at a terminal. Using a computer terminal to log-on to the system (e.g., LAN or Internet
or Intranet, etc.) to access to the system in order to do something, in this case a
request for something from the system, is well known in the art at the time the invention
was made. Moreover, the feature of multi-user computer system (e.g., workstations,
LAN, Internet, etc.) is also a well known feature in the art. Thus, it would have been

obvious to one of ordinary skill in the art to recognize that specific request be a user would have been a matter of design choice. The key of his teaching is the use of queue for controlling the number of requests concurrently.

5.   As to claim 2, Fritz discloses one request is performed when the other has been completed (e.g., see 14, the use of queue pointer for control the requests).

6.   As to claims 3 and 11, Fritz discloses each request is assigned a lot at a certain position in a waiting queue (assigning priority to the request and placed it in the queue, see col. 3 (lines 31-43)).

7.   As to claims 4 and 8, such feature of displaying information to the user would have been obvious to one of ordinary skilled in the art at the time the invention was made because this is merely showing data on a computer monitor or screen.

8.   As to claim 5, Fritz discloses the feature of removing requests from the waiting queue (e.g., see col. 3 , lines 43-55).

9.   As to claim 6, Fritz discloses the feature of continually updated of the request and remove from the slot of queue (e.g., see col. 5, lines 33-52).

10.   As to claim 7, Fritz discloses the feature of cancel a request (dequeue, request to remove) (e.g., see col. 6 (lines 1-31, 64)).

11.   As to claim 9, Fritz discloses the feature of updating a user session during a certain time interval when the user session has been completed (e.g., see col. 5 (line 18) to col. 6 (line 68)).

12.   Applicant's arguments filed 3/22/06 have been fully considered but they are not persuasive.

In the remark applicant substantially argues that:

a) Fritz does not teach or suggest maintaining the maximum number of requests for user sessions that can be processed in the system as a <u>variable that can be adjusted.</u>

b) Fritz does not teach that the creation of a user session is halted when more than a maximum number, maintained as <u>a variable which can be adjusted</u> in the multi-user computer system.

13.   In response to paragraph 12, Fritz clearly discloses the feature of maintaining in the multi-user system (e.g., workstations, LAN, Internet, etc.) as <u>a variable that can be adjusted</u> (e.g., a next-element value of a queue-base pointer that can be set to a value and the next-element pointer with added priority that can be set or adjusted, see col. 3, lines 4-42).

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956 The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

June 25, 2006

KRISNA LIM
PRIMARY EXAMINER